IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 17932 of 2007(I)

PETITIONERS:
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1. M.K. ABDUL SHUKKOOR,
   MATTATHUVELIYIL, THRICHATTUKULAM P.O.,
   CHERTHALA, ALAPPUZHA DISTRICT.

2. M.K. HARIS,
   MATTATHUVELIYIL, THRICHATTUKULAM P.O.,
   CHERTHALA, ALAPPUZHA DISTRICT.

BY ADV. SRI.P.N.MOHANAN

RESPONDENTS:
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1. SUB INSPECTOR OF POLICE, POOCHAKKAL,
   CHERTHALA, ALAPPUZHA DISTRICT.

2. THE CHIEF EXECUTIVE OFFICER,
   OFFICE OF THE HEAD LOAD WORKERS WELFARE FUND BOARD,
   S.R.M. ROAD, ERNAKULAM.

3. LOADING AND UNLOADING WORKERS UNION
   (INTUC), REP. BY K.P.THANKACHAN, S/O.PATHROSE,
   KATTATHARA, PANAVALLY, CHERTHALA, ALAPPUZHA DIST.

4. LOADING AND UNLOADING WORKERS UNION
   (AITUC), REP. BY ITS LALAN, PULAVELICHIRA,
   PANAVALLY, CHERTHALA, ALAPPUZHA DISTRICT.

5. LOADING AND UNLOADING WORKERS UNION
   (CITU), REP. BY ITS JAYAN, NEAR THYCHIRA HOUSE,
   PANAVALLY, CHERTHALA, ALAPPUZHA DISTRICT.

R1 & R2 BY GOVT.PLEADER SRI P.A.SALIM.
R3 to R5 BY ADV. SRI.P.RAMAKRISHNAN
SRI.C.ANIL KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).NO.17932/2007

APPENDIX

PETITIONERS' EXTS:

EXT.P1	TRUE COPY OF THE COMPLAINT FILED BEFORE THE IST RESPONDENT DTD. 7/6/2007.
EXT.P2	TRUE COPY OF THE COMPLAINT FILED BEFORE THE 2ND RESPONDENT DTD. 5/6/2007.

P.R. RAMAN & K. HEMA, JJ.

W.P.(C) NO. 17932 OF 2007

DATED THIS, THE 15TH DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

According to the petitioners are constructing a residential building and when they brought materials in tipper lorry, members belonging to Respondents 3 to 5 unions insisted that they should be engaged for the work and obstructed the unloading of the materials.

2. We have issued notice to Respondents 3 to 5 and they have entered appearance through counsel. Learned counsel appearing on behalf of Respondents 3 to 5 strongly opposed the prayer for police protection. According to him, if protection is granted it will seriously prejudice the rights of the members of Respondents 3 to 5 Unions in the matter of loading and unloading work. The second respondent, who is the Chief Executive Officer of the Head Load Workers Welfare Fund Board, fairly submitted that this is not a scheme covered area. If so, Respondents 3 to 5 cannot have any legal right to insist the work to be done through their members. If petitioners are carrying materials in tipper lorries, it cannot be prevented by physical force by members of Respondents 3 to 5.

In such circumstances, there will be a direction to the first Respondent to to give necessary protection to remove the obstruction if any, caused by Respondents 3 to 5 so as to enable the petitioner to carry on his work.

The writ petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-